IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO: 5658 of 2005

Between:

1. Kakivai Eswar Reddy, S/o.Yanadi Reddy,
   R/o.Kaluvoya Village & Mandal, Nellore District.
2. Mekapati Linga Reddy, S/o.Chinna Reddy,
   R/o.Kaluvoya Village & Mandal, Nellore District.
3. Mekapati Subba Reddy, S/o.Narasa Reddy,
   R/o.Kaluvoya Village & Mandal, Nellore District.
4. Kakival Sankara Reddy, S/o.Yanadi Reddy,
   R/o.Kaluvoya Village & Mandal, Nellore District.

... PETITIONERS

AND

1 The District Collector, Nellore, Nellore District.
2 The Revenue Divisional officer, Nellore, Nellore District.
3 The Mandal Revenue officer, Kaluvoya village & Mandal, Nellore District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of writ of Mandamus, declaring the action of the 3rd respondent in resuming the lands belongs to the petitioners without conducting any enquiry and without giving any reasonable opportunity is arbitrary, unreasonable and in violation of the principles of Natural justice and accordingly set aside the orders of the 3rd respondent in Rc.B.731/2004, dated 17-09-2004 and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioners land to an extent of Ac.2.22 cents situated in Sy.No.333/2-2 of Telugurayapuram village, Kaluvoya Mandal, Nellore District and to pass such other and further orders as this

Hon'ble court may deems fit and proper.

Counsel for the Petitioners: MR.G.TUHIN KUMAR

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following:

ORDER:

This writ petition is filed challenging the order passed by the third respondent-Mandal Revenue officer, Kaluvoya Village and Mandal, dated 17-09-2004 under Section 4(1)(b) of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977.

Admittedly, against the said order, an alternative remedy is provided under the Act by way of an appeal. Without exhausting the said remedy, the petitioners cannot maintain this writ petition under Article 226 of the Constitution of India.

Accordingly, granting leave and liberty to the petitioners to workout the alternative remedy by way of an appeal, the writ petition is disposed of. It is made clear that if any such appeal is preferred, within a period of two weeks from today, the same shall be entertained and appropriate orders be passed, in accordance with law. Having regard to the facts and circumstances of the case, there shall be a direction that *status quo* obtaining as on today as to the nature and possession of the land in question be maintained for a period of four weeks from today.

The Writ Petition is accordingly disposed of. No order as to costs.

G. ROHINI, J

Dated: 18-03-2005

Note: Furnish C.C. by Monday.

B/o.

LSK

To

1 The District Collector, Nellore, Nellore District.
2 The Revenue Divisional officer, Nellore, Nellore District.
3 The Mandal Revenue officer, Kaluvoya village & Mandal, Nellore District.

4 Two C.Cs. to the G.P. for Revenue, High Court Buildings, Hyderabad.
(OUT)

5 Two C.D. copies.